

Please amend the second paragraph on page 18 to read as follows:

a<sup>2</sup>  
“By contrast, the standard payout table for Two Joker Poker (again from the world wide web at the wizardofodds.com site) is shown below. It provides a total payout of .981007 coins per coin wagered.”

IN THE CLAIMS:

Please amend claims 1, 20 and 37 to read as follows:

a<sup>3</sup>  
1            1.     A gambling system, comprising:  
2            at least one token account for tracking tokens associated with a player;  
3            a gambling game apparatus, coupled to the at least one token account,  
4            configured to award tokens and to credit and debit the at least one  
5            token account, the gambling game apparatus providing a  
6            statistically positive token return to players; and  
7            a token conversion module for converting tokens according to a token  
8            value determined based on a total number of tokens in a set of  
9            tokens.

a<sup>4</sup>  
1            20.    A method of providing a gambling game, comprising:  
2            awarding an initial quantity of tokens to at least one player;  
3            crediting and debiting at least one player with tokens responsive to the  
4            gameplay of the player in a gambling game, the gambling game  
5            providing a statistically positive token return to players; and  
6            converting tokens according to a token value determined based on a total  
7            number of tokens in a set of tokens.

a<sup>5</sup>  
1            37.    A computer-readable medium comprising computer-readable code  
2            for implementing a gambling game, the code comprising:  
3            computer-readable code adapted to award an initial quantity of tokens to at  
4            least one player;  
5            computer-readable code adapted to credit and debit at least one player

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6 with tokens responsive to the gameplay of the player in a gambling game,  
7 the gambling game providing a statistically positive token return to  
8 players; and  
9 computer-readable code adapted to convert tokens according to a token  
10 value determined based on a total number of tokens in a set of  
11 tokens.

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REMARKS

Claims 1-52 are pending. Claims 1, 20 and 37 are hereby amended.

The specification was objected to under 37 CFR 1.71 as not being commensurate with the scope of the claims. In particular, it was stated that all claims speak in terms of a "positive return" to the player and that the specification does not provide for a positive return to the player. Independent claims 1, 20 and 37 have been amended to remove "positive-return" therefrom. Applicants note, however, that the claims recite "providing a statistically positive token return to players" as is taught throughout the specification. In some cases, such as where a player buys an initial amount of tokens to enter a game, a statistically positive token return to players in the game may result in a net positive return on investment to a player. For example, in one aspect, tokens are defined as a function of the total number of tokens in circulation. With a statistically positive token return to players, over time a player will statistically increase the number of tokens owned, which may result in the player having a larger share of the total number of tokens in circulation. Thus, the players end total share of tokens may be worth more than the beginning total share of tokens. See, e.g., page 3, line 12 to page 4, line 20. Accordingly, Applicants respectfully assert that the specification is commensurate with the claims.

The specification was also objected to under 37 CFR 1.71 for failing to provide details concerning the method of changing the odds of the games discussed in the

specification in order to insure that players receive a positive return, and for failing to disclose how a positive return can be guaranteed in sports betting. Independent claims 1, 20 and 37 have been amended to remove "positive-return" therefrom. Applicants note, however, that the claims recite "providing a statistically positive token return to players" as is taught throughout the specification. The specification includes teachings that show how a statistically positive return of tokens to a user can be effectuated. For example, the tables on page 13, 15 and 17 show that the present invention provides statistical token returns, over time, of 2.605024, 1.563352, and 1.685174 tokens per token bet on embodiments of slot machine, video poker and Jokers Wild video poker, respectively. Further, the table on page 20 shows that the present invention teaches a statistical token return of 296.14868164063 tokens for each 100 token bet in an embodiment of "Pick'Em", a sports pool game.

The disclosure was objected to as including hyperlinks. Applicants have hereby amended the disclosure to remove such hyperlinks.

Claims 10, 11, 19, 27, 28, 36, 44 and 45 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

With regard to claims 10, 11, 27, 28, 44 and 45, it was stated that it is unclear how the odds of winning can be changed in the player's favor in blackjack, roulette, sports pools and books, keno, bingo, and solitaire, and that Applicant fails to disclose the method for changing these odds. With regard to claims 19 and 36, it was stated that a method of changing the odds in a game with a human dealer is not disclosed. The present invention provides, inter alia, a statistically positive token return to players. It is not necessary that odds of winning be changed. In some embodiments, only the payout for certain events is modified to ensure a statistically positive token return. For example, the table on page 15 relating to an embodiment of a video poker game illustrates an increased payout for certain events (hands) relative to standard casino payouts as shown in the table on page 16. It is noted that the odds of winning have not

been changed in this embodiment. In other embodiments, the odds of winning may be increased. Examples of such embodiments include adding bonus cards to a black jack game (see, e.g., page 23, lines 4-9), deleting available numbers or drawing more numbers in a keno game (see, e.g., page 22), adding a wild symbol to a slot game (see, e.g., page 27, lines 1-5) or to a roulette wheel (see, e.g., page 27, lines 6-13), adding a second ball in a roulette game (see, e.g., page 28, lines 1-7), and others. In a human dealt blackjack game, for example, a bonus or wild card could be added to increase the player's odds of winning.

Accordingly, Applicants respectfully assert that the specification does enable claims 10, 11, 19, 27, 28, 36, 44 and 45.

Claims 1-13, 16-30, 33-47 and 50-52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weingardt et al. (U.S. Patent No. 5,275,400) in view of Walker et al. (U.S. Patent No. 6,086,477). Applicants respectfully request withdrawal of this rejection for at least the following reasons.

Weingardt et al. teach a pari-mutuel electronic gaming system in which players are competing against each other to win from a common pool and are not wagering against the house. Walker '477 teaches a lottery game system wherein a lottery entry is effective for consideration in lottery drawings until that entry wins a drawing-based prize.

Applicants respectfully assert that neither reference teaches or suggests a "statistically positive token return to players" as is recited in each independent claim, claims 1, 20 and 37. It was stated in the rejection that Weingardt et al. do not teach a statistically positive token return. Nor does Walker '477 teach or suggest a statistically positive token return to players. What Walker '477 teaches is a lottery ticket system wherein a purchased lottery ticket will eventually win. Walker '477 simply does not discuss statistically positive token return. Thus, because neither reference teaches or suggests a statistically positive token return to players, a system based on a combination of these two references would not include such a statistically positive token return feature. Accordingly, Applicants respectfully assert that independent claims 1, 20 and 37

are non-obvious in view of the Weingardt et al. and Walker '477 references. Further, all claims depending from claims 1, 20 and 37 are also non-obvious over these two references for at least the above reasons.

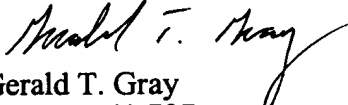
Claims 14, 15, 31, 32, 48 and 49 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weingardt. in view of Walker '477, and further in view of Walker et al. (U.S. Patent No. 6,277,972). Applicants respectfully request withdrawal of this rejection for at least the above reasons as claims 14, 15, 31, 32, 48 and 49 depend from independent claims 1, 20 and 37, which as above are non-obvious in view of Weingardt et al and Walker '477. The addition of Walker '972 as a reference does not cure the deficiency of teaching a statistically positive token return to players as is recited in all claims, because Walker '972 also does not teach or suggest this feature.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

  
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